APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,657	12/28/2000	Tetsuya Takamori	Q62442	8723

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EXAMINER
BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

20060315

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

	Application No.	Applicant(s)
Office Action Summary	09/749,657	TAKAMORI ET AL.
	Examiner	Art Unit
	Stephen M. Brinich	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *30 December 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *22* is/are allowed.

6)☒ Claim(s) *1,8 and 13-21* is/are rejected.

7)☒ Claim(s) *2-7 and 9-12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The text of those sections of Title 35, U.S. Code not

included in this action can be found in a prior Office action.

2.   Claims 1, 8, & 13-21 are rejected under 35 U.S.C. 102(b) as

being anticipated by Wafler.

Re claim 1, Wafler discloses (Figures 1-2, 5A-5C, & 6;

column 6, line 37 - column 7, line 53) an image processing

device with an image obtaining section ("Scan Known Original",

carried out by means of scanner 6) for obtaining an image to be

processed, an initial image processing condition determination

section (first "Are Values Same?" and "Adjust Scanner Parameters

to Appropriate I/O Function", carried out by means of controller

7, particularly comparator 124 and the portion of main memory 56

containing the "Known Original Values") for setting an initial

image processing condition, an image processing condition

determination section (second "Are Values Same?" and "Adjust

Scanner Parameters to Appropriate I/O Function", carried out by

means of controller 7, particularly comparator 124 and the

portion of main memory 56 containing the "Known Test Print

Values") for determining a new image processing condition with a

desired deviation from the initial image processing condition in

accordance with the result of applying the initial image

processing condition, and a section for setting the new image

processing condition accordingly ("Adjust Printer Parameters To

Appropriate I/O Function", carried out by means of either

automated processing or by operator notification via UI 52, as

noted at column 7, lines 2-7). The final resulting image

processing condition is set up as a final device calibration.

Re claim 8, the operation of the Wafler system a plurality

times upon a plurality of initial images will inherently produce

a plurality of image processing conditions (one for each image

operated upon).

Re claim 13, Wafler further discloses (column 5, lines 12-

32) that the image processing operation is carried out by a

computer system (which must inherently follow a set of

instructions containing the above described elements in order

for the Wafler device to function as disclosed).

Re claims 14-15 & 18-19, Wafler further discloses (column

7, lines 2-7) automatic operation of these steps (i.e. the

recited "auto set up" option), which results in the automatic

computation of optimum (corresponding to "the amount of

correction or adjustment needed") parameters for the initial

image processing condition.

Re claims 16-17 & 20-21, Wafler further discloses (column

7, lines 3-7) the option of notifying an operator of the type

and amount of adjustments to be performed (which inherently

requires an output for providing this information in a form

understandable to the operator).

Allowable Subject Matter

3.   Claims 2-7 & 9-12 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base

claim and any intervening claims.

4.   Claim 22 is allowed.

5.   The following is a statement of reasons for the indication

of allowable subject matter:

Re claims 2 & 22 (and dependent claims 3-4, 6, & 9-11), the

art of record does not teach or suggest the recited association

defining arrangement for defining an association between a first

parameter and a plurality of sorts of second parameters defining

image processing condition deviations.

Re claim 5, the art of record does not teach or suggest the

recited storage of image processing condition deviation values.

Re claims 7 & 12, the art of record does not teach or

suggest the recited display of a handler for a image processing

condition deviation adjustment.

Response to Arguments

6.   Applicant's arguments filed 12/30/05 have been fully
considered but they are not persuasive.

Re claim 1, Applicant argues (12/30/05 Response: page 12,
line 14 - page 14, line 2) that Examiner has not specifically
identified the particular components corresponding to the
various means elements recited in the claim.

In response, Examiner has noted the specific means elements
corresponding to each of these recitations in the above
rejection.

Re claim 1, Applicant argues (12/30/05 Response: page 14,
lines 3-14) that Wafler does not teach or suggest a deviation of
the original image.

However, the relevant portion of the claim does not recite
a deviation of or from the original image, but rather a
deviation from the *initial image processing condition*. As noted
above, the corresponding element in Wafler is the second "Are
Values Same?" and "Adjust Scanner Parameters to Appropriate I/O
Function", carried out by means of controller 7, particularly
comparator 124 and the portion of main memory 56 containing the
"Known Test Print Values".

Re claim 13, Applicant argues (12/30/05 Response: page 14,

lines 15-17) that claim 13 is allowable for reasons similar to

claim 1.

These arguments have been addressed above re claim 1.

Re claim 8, Applicant argues (12/30/05 Response: page 14,

line 18 - page 15, line 11) that a plurality of image

processings performed seriatim by the Wafler device are not

based on "the image processing condition", because each would

begin with its own newly generated "image processing condition".

However, the first "image processing condition" is based on

the "store known original image values in memory" and "scan

known original" steps of Wafler (Figure 6). Multiple operations

of the steps shown in Wafler Figure 6 without a replacement of

the original document in the scanner would thus begin with this

(same) "image processing condition", and then produce mutually

different deviations resulting from the individual variations of

the "hard copy of known test print" produced by the printer.

Re claim 8, Applicant argues (12/30/05 Response: page 15,

lines 11-16) that the aspect of Wafler cited for disclosing the

elements of claim 8, does not appear to be consistent with the

means for carrying out the scanner adjustment derived from a

comparison of the 'known test print values' with the 'image

signal' derived from scanning the 'hard copy of the known test print'.

However, it is not clear from Applicant's statement which of these elements is inconsistent, or in what manner.

Conclusion

7.   Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the
Customer Service Window, located at the Randolph Building, 401
Dulany Street, Alexandria, VA 22314.

Stephen Brinich

Stephen M Brinich
Examiner
Technology Division 2625

smb
March 16, 2006